

1 IN THE UNITED STATES DISTRICT COURT
2 FOR THE WESTERN DISTRICT OF OKLAHOMA

3
4 SEAN SMITH and CRYSTAL SMITH,

5 Plaintiffs,

6 vs.

7 CSAA FIRE & CASUALTY INSURANCE
8 COMPANY,

9 Defendant.

)
)
) No.
) 5:17-cv-1302D
)
)
)
)
)



10
11
12 VIDEOTAPED DEPOSITION OF TIM FRANCE
13 TAKEN ON BEHALF OF THE PLAINTIFFS
14 IN OKLAHOMA CITY, OKLAHOMA
15 ON JANUARY 7, 2019

16
17
18
19 REPORTED BY: KAREN B. JOHNSON, CSR
20
21
22
23
24
25



Timothy France

January 7, 2019

Page 65

1 any questioning that doesn't involve an earthquake
2 and on something that he worked on.

3 Q (By Mr. Engel) You testified that you did
4 work Elk City claims; right?

5 MR. FELTY: Object to form. Again, move
6 for protective order.

7 MR. ENGEL: Let me ask the question so we
8 can have a clear record.

9 MR. FELTY: Okay.

10 Q (By Mr. Engel) How many structures did
11 you investigate as a result of the Elk City
12 tornadoes?

13 MR. FELTY: Move for protective order.
14 Don't answer the question. We'll talk to the judge.

15 Q (By Mr. Engel) I want to kind of leave
16 where we're at and move on to something else, all
17 right?

18 A Okay.

19 Q I want to talk about this idea of
20 destructive investigation. Are you familiar with
21 that term?

22 A Yes.

23 Q What is destructive investigation?

24 A It's where you have to destroy part of a
25 structure or take a piece of it to be examined.

Timothy France

January 7, 2019

Page 66

1 Q And the reason -- one of the reasons you
2 would destroy part of a -- a structure is that you
3 could view the structural components behind
4 coverings; right?

5 A Correct.

6 Q For example, you might tear off drywall to
7 view the structural components of the wall behind
8 the drywall; right?

9 A Yes.

10 Q Or you might tear off the ceiling so you
11 could see the roof or the ceiling joists; right?

12 A Yes.

13 Q Does it frustrate you when I say the wrong
14 terms for the building materials?

15 A I'm following you just fine.

16 Q I apologize, I'm trying my best, all
17 right? Or you might -- in one instance, you might
18 tear up the floor to see the structural components
19 under the floor; right?

20 A Yes.

21 Q And this destructive investigation is
22 something you're familiar with; right?

23 A Yes.

24 Q Are there instances where you've performed
25 destructive investigation to view structural

Timothy France

January 7, 2019

Page 67

1 components behind wall coverings and floor coverings
2 and ceiling coverings?

3 A Yes.

4 Q Would you agree that you can't view the
5 structural components of things while the coverings
6 are still on?

7 A Yes.

8 Q When you've been working for Rimkus --
9 well, strike that.

10 Do you believe in doing a thorough
11 investigation?

12 A Yes.

13 Q Do you feel like you always do a thorough
14 investigation?

15 A Can you rephrase that?

16 Q I know -- well, let me ask it this way, do
17 you think in order to perform an ethical
18 investigation, you need to perform a thorough one?

19 A Yes.

20 Q If you're investigating a claim and you
21 have the opportunity to look in the attic, would you
22 look in the attic?

23 A If I felt it was warranted to do so, I do.

24 Q If you had the opportunity to view in a
25 basement or a crawl space, would you do that?

Timothy France

January 7, 2019

Page 81

1 believe it's not necessary to go into the crawl
2 space?

3 A Yes.

4 Q Why?

5 A There was nothing there that I saw that
6 would justify going into it, and, too, if I remember
7 correctly, there was no direct access to the crawl
8 space.

9 Q Did you ever consider destructive
10 investigation to get into there?

11 A No.

12 Q But that's something you could have done
13 to access if there was no access point; right?

14 A We could propose it, have to get approval
15 from the property owner then and the client to pay
16 for the repairs.

17 Q And that's something you guys could have
18 done; right?

19 A Could have.

20 Q I want to talk about the size of
21 earthquakes, all right?

22 A Okay.

23 Q How do you measure the size of an
24 earthquake?

25 A There's -- when you say "measure," by

Timothy France

January 7, 2019

Page 148

1 A No.

2 MR. ENGEL: Asked and answered and form.

3 Q (By Mr. Andrews) Will you repeat your
4 answer, please?

5 A No.

6 MR. ENGEL: If you give me a little bit of
7 time to object and then answer, it will be a little
8 bit cleaner, all right?

9 THE WITNESS: Okay.

10 Q (By Mr. Andrews) You testified that there
11 was no destructive testing at the Smith house, why
12 was that not done?

13 A Didn't feel it was necessary.

14 Q You didn't take any soil samples at the
15 Smith house, why was that not done?

16 A Typically do not.

17 Q Do you recall the condition of the soil
18 while you were out at the house doing your
19 investigation?

20 A It's covered with vegetation.

21 Q If you would, look at Exhibit 3A, which is
22 Dr. Holliday's report.

23 MR. ENGEL: Should be the bottom.

24 MR. FELTY: Put the rest of that over
25 there. Get this out of your way.